

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re LUNA PIER LAND DEVELOPMENT, LLC,

Debtor,

NABIH QASSIS & JULIET QASSIS,

Case No. 06-CV-15180-DT
Bankruptcy No. 01-46278-swr

Plaintiffs-Appellants,

v.

REPUBLIC BANK,

Defendant-Appellee.

**OPINION AND ORDER STRIKING “MOTION FOR LEAVE TO APPEAL”
AND CLOSING CASE**

The instant case was initiated on November 20, 2006, by the filing of Plaintiffs-Appellants Nabih and Juliet Qassis’s (“Plaintiffs”) “Motion for Leave to Appeal.” Having reviewed the motion, the court concludes that it fails to comply with the local or federal rules, and will accordingly strike it as improvidently filed.

Plaintiffs’ motion is deficient for several reasons. First, the court notes that the motion appears to have been prepared and filed in bankruptcy court on November 11, 2005. Defendant-Appellee Republic Bank filed a response in bankruptcy court on December 20, 2005. The court has no idea how, a full year later, this unresolved motion came to be transferred and filed in this court.

More troubling, however, is the fact that the motion does not comply with the applicable rules. Although the motion purports to be submitted by Attorney Richard F.

Fellrath, it is not signed as is required by Federal Rule of Civil Procedure 11(a). Further, the motion is not double-spaced, see E.D. Mich. LR 5.1(a), and does not contain the requisite notation that concurrence was sought prior to filing, E.D. Mich. LR 7.1(a)(2). Finally, the motion is not supported by a brief as directed under E.D. Mich. 7.1(c)(1)(A). Inasmuch as the motion wholly fails to comply with the federal and local rules, and given further that no explanation was given for the fact that the motion was originally filed in bankruptcy court over one year ago,

IT IS ORDERED that Plaintiffs' "Motion for Leave to Appeal" is hereby STRICKEN from the docket of this court. The clerk of the court is therefore DIRECTED to close this matter.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 5, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 5, 2007, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522